



Entered on Docket
November 16, 2009

A handwritten signature in black ink, appearing to read "Mike K. Nakagawa".

Hon. Mike K. Nakagawa
United States Bankruptcy Judge

Steven A. Alpert, Bar No. 8353
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Attorneys for Debtor
Gregory D Orr

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In re:

GREGORY D ORR,

Debtor.

Case No.: 09-21635-mkn
Chapter 13

**ORDER GRANTING MOTION FOR ORDER
DETERMINING VALUE OF REAL PROPERTY;
EXTENT OF SECURED CLAIMS**

Date: September 10, 2009
Time: 3:30 p.m.
Courtroom: 2

Having reviewed the Motion and good cause appearing, it is hereby **ADJUDICATED** that the note and lien held by Litton Loan Servicing, its successors and/or assigns, is hereby stripped off, and declared null and void, and that Respondent be treated as a wholly unsecured creditor.

The real property which this order applies to is located at 670 Barbary Coast Ave, Henderson, Nevada 89015 (the "Subject Property") and legally described as:

1 STONE CANYON SAUSALITO, PLAT BOOK 72 PAGE 32, BLOCK 6, LOT 16, IN THE CITY
2 OF HENDERSON, STATE OF NEVADA.

3 APN: 179-21-313-018

4 The avoidance of Litton Loan Servicing's claim shall be allowed as a non-priority general
5 unsecured claim. Litton Loan Servicing shall file a Proof of Claim listing its claim as unsecured to
6 be paid in accordance with the Debtors' Plan;

7 The avoidance of the Second Deed of Trust is contingent upon the Debtors' completion of
8 their Chapter 13 Plan and the Debtors' receipt of a Chapter 13 discharge;

9 Upon receipt of the Debtors' Chapter 13 discharge and completion of their Chapter 13 Plan,
10 this Order may be recorded by the Debtor with the Clark County Recorder's Office;


11 Litton Loan Servicing's lien is preserved if case is converted or dismissed.

12 In the event that the holder of the first lien on the Subject Property forecloses on its security
13 interest and extinguishes the Second Deed of Trust prior to the Debtor's completion of his Chapter
14 13 Plan and receipt of a Chapter 13 discharge, the second lien shall attach to the surplus proceeds of
15 the foreclosure sale for the full amount of the Subject Loan balance at the time of the sale.

16 Each party shall bear their own attorneys' fees and costs incurred in relation to the Debtor's
17 Motion for Valuation of Security Determination of Secured Status and Avoidance of Lien and
18 Modification of Rights of Lienholder Debt.

19 
20 Steven A. Alpert
21 Attorney for Debtor

22 Kathleen A. Leavitt
23 Chapter 13 Trustee
24 () Approve () Disapprove

25  #10235
26 Kevin S. Soderstrom, Esq
27 Attorney for Deutsche Bank
28 () Approve () Disapprove

RULE 9021 DECLARATION

In accordance with Local Rule 9021, counsel submitting this document certifies as follows:

☐ The court has waived the requirement of approval under LR 9021.

☐ No parties appeared or filed written objections, and there is no trustee appointed in the case.

☒ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and any trustee appointed in this case, and each has approved or disapproved the order, or failed to respond, as indicated below [list each party and whether the party has approved, disapproved, or failed to respond to the document]:

Kathleen A. Leavitt, Chapter 13 Trustee

Signed but did not indicate if approved
or disapproved

Kevin S. Soderstrom, Esq.

Signed but did not indicate if approved
or disapproved

I declare under penalty of perjury that the foregoing is true and correct.

PRICE LAW GROUP

By: 

Steven A. Alpert, Esq.
Attorney for Debtor

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